

Application Serial No.: 10/068,506
Applicant(s): Pong et al.

Docket No.: N.C. 82,575

REMARKS

Reconsideration of the above-identified application is respectfully requested. Claims 1-5, 8-14, and 25-36 remain in this application. Claims 6-7 and 15-24 have been canceled as drawn to a non-elected invention. Claim 8 has been amended to be written in independent form; this amendment does not affect the scope of the claimed invention. Claims 1 and 25 have been amended and new claims 26-36 have been added to more particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Support for amended claims 1 and 25 can be found on page 9, line 41 through page 10, line 5 of the specification. No new matter has been added.

I. Claim Objections

Claim 25 was objected to because "a optical filter" should be – an optical filter –. Applicants have amended claim 25 to make this correction.

II. Claim Rejections – 35 U.S.C. § 102(b) – Kraushaar et al.

Claims 1-5, 10-14 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,317,751 to Kraushaar et al.

Applicants respectfully submit that Kraushaar et al. does not anticipate amended independent claim 1 (upon which claims 2-5 and 10-14 depend) or amended independent claim 25. To be anticipating, a reference must disclose every element of the claims. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). If the reference lacks any claimed element,

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there is no anticipation. *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986).

Kraushaar et al. does not disclose a filter dye incorporated directly into a substrate as recited in amended independent claims 1 and 25. Instead Kraushaar relies on a polyvinyl alcohol or glycerol dye carrier. The filter described by Kraushaar is multielement with a thallium doped single crystal of potassium iodide layered with the dye "cation X" in polyvinyl alcohol. The polyvinyl alcohol was avoided in the present application. According to the specification on page 3, lines 12-14, "the polyvinyl alcohol substrate in which the organic dye is incorporated in these filters is also susceptible to changes in humidity and to environmental degradation." Moreover, Kraushaar specifically cites doped single crystals, which according to the specification on page 3, lines 3-5, "this material, as well as filters using rare earth ions as crystalline hosts, are very high in cost because of the need to grow single crystals. Moreover, they typically have poor thermal and moisture stability." Having the dye directly incorporated into the alkali halide, as in the present invention, avoids the high cost of single crystal preparation while maintaining optical clarity in a single element optical filter.

Therefore, Applicants respectfully submit that claims 1-5, 10-14, and 25 cannot be anticipated by Kraushaar et al.

III. New Claims

New claims 26-36 are presented to set forth additional subject matter to which the Applicants are believed to be entitled. Examination and allowance of claims 26-36 is respectfully submitted.

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Docket No.: N.C. 82,575

In view of the foregoing, it is respectfully submitted that this application is ready for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Kindly charge any additional fees due, or credit overpayment of fees, to Deposit Account No. 50-0281.

Respectfully submitted,



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